

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NORTH DAKOTA

In re:) Case No. 24-30422
) (Chapter 11)
JAMIESON CAPEX FUND, LLC.)
)
Debtor.)
_____)

SUMMARY OF BALLOTS AND REQUEST FOR CONSENSUAL CONFIRMATION

Comes now Jamieson CAPEX Fund, LLC (“CAPEX” or the “Debtor”), by and through undersigned counsel, pursuant to Section 1126 of Title 11 of the United States Code, and reports on the ballots cast in favor of, and in rejection of, Jamieson CAPEX Fund, LLC’s Subchapter V Plan of Reorganization (the “Plan,” as found at DE #37) as follows:

Class	Voting Party	Claim Amount	Claim Reference	Vote
1	Amber Carlson	\$152,750.00	Claims Register #1	Accept
1	Fred Brower ¹	\$768,713.49	Claims Register #2	Accept
1	Jamieson Medical	\$185,480.00	Schedule F, Line 3.11	Accept
1	Jamieson Natural Resources Fund	\$706,000.00	Schedule F, Lines 3.12-3.13	Reject
1	Jeremy Carlson	\$83,034.43	Schedule F, Line 3.15	Accept
1	Main Street Investment	\$155,995.04	Schedule F, Line 3.16	Accept
1	Secure Income Fund	\$579,565.94	Schedule F, Line 3.19	Accept

Of the seven ballots received, six are affirmative votes in favor of confirmation, constituting an 86% unweighted acceptance rate. The seven ballots cumulatively represent

¹ As evident from the ballot attached hereto, Mr. Brower appears to have affixed a photograph of himself, at a 90-degree angle, in lieu of a traditional cursive signature. Under North Dakota law, “[a]n electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner. . . .” N.D. Cent. Code § 9-16-08(1). *See also* N.D. Cent. Code § 9-16-01(8) (“ ‘Electronic signature’ means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.”). While a photograph is certainly an unconventional form of an electronic signature, it does appear to nonetheless meet the legal rigors of constituting an electronic signature especially where, as here, affixed through the DocuSign process.

\$2,631,538.90 in allowed claims, with the six accepting ballots denoting \$1,925,538.90 in allowed claims and constituting a weighted acceptance rate of 73.17%.

With more than half of the ballots of being in favor of confirmation, and more than two thirds of the total claim dollars voted also being in favor of confirmation, it is respectfully urged that Jamieson CAPEX Fund, LLC's Subchapter V Plan of Reorganization (the "Plan," as found at DE #37) be deemed accepted by the sole class thereunder. 11 U.S.C. § 1126(c). And the Debtor, accordingly, asks the Plan may be confirmed as a consensual plan of reorganization. 11 U.S.C. § 1191(a).

The foregoing notwithstanding, and based upon discussions with the United States Trustee, CAPEX is filing herewith a proposed amendment to the Plan, directed solely at (i) altering the procedure for the post-confirmation payment of fees incurred by the Subchapter V Trustee; and (ii) correcting three typographical errors where the letter "y" was omitted from the word "any," inadvertently transforming the word into "an."² CAPEX can represent the amendment has been consented to by the Subchapter V Trustee and the United States Trustee (through counsel). It is respectfully submitted the proposed amendment ought not alter the Plan being confirmed as consensual in nature. 11 U.S.C. § 1193(a).

[Signature on Following Page]

² As reflected in the redline version of the document being appended to the amended plan, these typos were of a variety that would not invite confusion. While one can, no doubt, conceive of a situation where the distinction between the singular "an" and the plural "any" might be material, such is very much not plausible in this specific context.

Respectfully Submitted,

Dated: January 9, 2025

By: /s/ Maurice B. VerStandig
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2025, a copy of the foregoing was served electronically upon filing via the ECF system.

/s/ Maurice B. VerStandig
Maurice B. VerStandig